

## **REMARKS**

This Amendment is in response to the Examiner's first Office Action mailed September 3, 2004. Claims 30, 32, and 38-40 have been amended, claim 41 has been added and claims 1-29, 31, and 33-37 have been cancelled without disclaimer or prejudice. Thus, claims 30, 32, 38-41 are currently pending in the present application. The applicants respectfully submit that no new matter has been added by this amendment.

In a September 3, 2004 Office Action, the Examiner indicated claims 30, 32, 33, 38-40 contained allowable subject matter. The applicants respectfully thank the Examiner for the indication of allowable subject matter.

The Examiner objected to the drawings because reference number 22 and 400 were referred to in the written description, but not included on FIGS. 1 and 4, respectively. The applicants have transmitted new drawings herewith correcting the reference number issue.

The Examiner also objected to the drawings for failing to identify the "player track" of claim 33. The Examiner also objected to the specification for failing to discuss the "player track" of claim 33. The applicants respectfully point the Examiner to the original specification at page 7, lines 10-13, which discloses runners for the players. The applicants respectfully submit that runners and player track are synonymous in the art, but to expedite the present application to allowance, claim 33 has been cancelled from the present application.

In view of the above, the applicants respectfully request the Examiner withdraw the objection to the specification and drawings.

In the September 3, 2004 Office Action, the Examiner rejected claims 28, 29, and 31 under § 102(b) as being anticipated by United States Patent Number 4,480,833. The Examiner rejected claims 34-37 under 35 U.S.C. § 103(a) as being unpatentable and obvious over the '833 patent in view of United States Patent Number 6,234,476.

Finally, the Examiner indicated claims 30, 32, 33, and 38-40 were allowable but depended on rejected base claims.

While the applicants respectfully traverse the Examiner's rejections, in order to expedite the present matter to allowance, the applicants have cancelled claims 28, 29, and 32-37. Claims 30, 32, 39, and 40 have been re-written into independent format including all the recitations of the base claims. As such, claims 30, 32, 29, and 40 are currently allowable as previously indicated. Claim 38 and new claim 41 depend from claims 39 and 40 and, by virtue of the dependency, are also deemed allowable.

In light of the above, it is believed that Claims 1-3, 5-8, 18, and 20 overcome the Examiner's rejections and objections, and are allowable over the prior art of record. Such allowance is respectfully requested. Please contact the undersigned at (303) 295-8170 if any additional information is needed.

No fee is believed due for this submittal. However, any fee deficiency associated with this submittal may be charged to Deposit Account No. 08-2623. Should any extensions of time not accounted for be required, consider this a petition therefore and charge the associated fee to Deposit Account No. 08-2623.

Respectfully submitted,

October 7, 2004



---

Brian Kinnear  
Registration No. 43,717  
ATTORNEY FOR APPLICANT

HOLLAND & HART LLP  
555 17<sup>th</sup> Street, Suite 3200  
Post Office Box 8749  
Denver, Colorado 80201-8749  
Telephone: (303) 295-8170  
Facsimile: (303) 295-8261

In the Drawings:

Subject to the approval of the Examiner, please replace drawing sheets 1/4 and 4/4 with the drawings attached to the transmittal of replacement drawing. Replacement sheets correct the reference number issues identified by the Examiner, and the applicants respectfully submit no new matter has been added by the replacement sheet.